

United States District Court
for
Middle District of Tennessee

Petition to Modify the Condition or Term of Supervision

Name of Offender: Richard Wayne Wilson

Case Number: 3:09-00146

Name of Sentencing Judicial Officer: Honorable William J. Haynes, Jr., United States District Judge

Date of Original Sentence: November 20, 2009

Original Offense: 18 U.S.C. § 2113(a) Bank Robbery (3 counts)

Original Sentence: 44 months' custody and three years' supervised release

Type of Supervision: Supervised Release

Date Supervision Commenced: February 22, 2013

Assistant U.S. Attorney: To be determined

Defense Attorney: Isaiah Gant

PETITIONING THE COURT

- To modify the release conditions as follows:

The defendant shall participate in a substance abuse treatment assessment and comply with any subsequent treatment recommended by treatment staff, to include outpatient or inpatient treatment. The defendant shall pay for the cost of treatment services, to the extent he is able, as determined by the probation officer.

THE COURT ORDERS:

- No Action
- The extension of supervision as noted above.
- The modification(s) as noted above.

Other *This defendant is
set for a hearing on
October 31, 2014 at 11:00 am*

Considered this 20th day of October, 2014,
and made a part of the records in the above case.

I declare under penalty of perjury that
the foregoing is true and correct.
Respectfully submitted,



Britton Shelton
U.S. Probation Officer

Place Nashville, Tennessee

Date October 3, 2014



William J. Haynes, Jr.
U.S. District Judge

ALLEGED VIOLATIONS

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation No. Nature of Noncompliance

1.

The defendant shall refrain from any unlawful use of a controlled substance.

On September 15, 2014, Mr. Wilson tested positive for cocaine. He denied having used any illegal drug, but could offer no explanation for the positive result. Mr. Wilson attempted to attribute the positive test to a medical condition and possible effects from prescription medications, based on what he had read on the internet, however, the cocaine positive was confirmed as such by the testing laboratory.

Compliance with Supervision Conditions and Prior Interventions:

Richard Wayne Wilson is employed on a full-time basis and lives in an apartment with his girlfriend in Smyrna, Tennessee. He began his term of supervised release on February 22, 2013, and his supervision is currently scheduled to terminate on February 21, 2016. He has a special condition of supervised release ordering him to submit to drug testing, but no condition for substance abuse treatment. Following his most recent positive drug test, the probation officer recommended Mr. Wilson consider substance abuse treatment, but Mr. Wilson declined any need for treatment, claiming it would be of no use as he had not used cocaine.

On April 7, 2014, a report was submitted to the Court noting Mr. Wilson tested positive for cocaine on March 25, 2014. Mr. Wilson claimed he had been at a funeral with some former associates and attributed his positive drug test to someone putting something into his drink or food. No action was ordered by the Court at that time. Mr. Wilson's drug testing was increased and he had no positive drug tests until September 15.

U.S. Probation Officer Recommendation:

Given this is Mr. Wilson's second positive drug test for cocaine this year and he has a history of substance abuse issues, per his presentence investigation where his previous cocaine use was described as "recreational and sporadic", it is recommended that his special conditions be modified as indicated in this petition. The U.S. Attorney's Office has been advised of Mr. Wilson's noncompliance and concurs the probation officer's recommendation for modification of the release conditions.

Approved:

Jim Perdue

Deputy Chief U.S. Probation Officer